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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/518,729 03/03/00 TOGASHI

J F7156-00001

EXAMINER

WM02/0911

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CASTRO, A

ART UNIT

PAPER NUMBER

2652

DATE MAILED:

09/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/518,729

Applicant(s)

TOGASHI ET AL.

Examiner

Angel A Castro

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Toyama et al (U.S. Pat. 5,930,223).

Regarding claim 1, Toyama discloses a disc changer for use in a disc player (figures 1-13), the disc changer including:

a disc storing means 50 (figure 5) for storing a plurality of discs arranged in a predetermined direction;

a disc drawing means 31 for drawing a selected disc from the disc storing means to a reproducing position within the disc player;

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a transporting means for transporting the disc drawing means in the disc arrangement direction, so that the selected disc drawn from the disc storing means can be reproduced in the reproducing position ;

the transporting means comprises a moving member 21 driven by a motor (column 6, lines 64-65) so as to be movable in a direction perpendicular to the disc arrangement direction, in a manner such that with the movement of the moving member, the disc drawing means can be moved to a height corresponding to a position of the selected disc;

a plurality of disc draw-out preventing elements 41a, 41b (figure 7) are arranged in the disc arrangement direction corresponding to a plurality of discs stored in the disc storing means, each disc draw-out preventing element is adapted to be in either a disc draw-out preventing position or a released position;

the moving member 21 has a releasing portion 21a capable of positioning one disc draw-out preventing element at a released position (column 7, lines 29-35), the disc draw-out preventing element being located at a height of a selected disc at which the disc drawing means has arrived (column 7, lines 61-65).

#### ***Allowable Subject Matter***

4. Claims 2-4 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not teach nor suggest a disc changer comprising a plurality of disc movement preventing elements where each have a pressing portion adapted to be pressed by a

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moving member so that each disc movement preventing element can be located in a disc movement preventing position, wherein the moving member is formed with a plurality of holes each of which is allowed to receive the pressing portion of a disc movement preventing element, each of the holes being so formed that when the a disc drawing means has reached a position corresponding to the selected disc, the pressing portion of a disc movement preventing element at a height corresponding to the selected disc can enter the hole, wherein each of the disc movement preventing elements will be located at a released position once the pressing portion of the disc movement preventing element enter one of the holes as set forth in claims 2 and 3.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoshimura (U.S. Pat. 6,229,770) discloses a disk stocker control for disk reproducing apparatus; Yamashita et al (U.S. Pat. 5,959,949) discloses a disk package for storage of multiple disks of different types and locking mechanism dependent on individual disk type; Fujita et al (U.S. Pat. 5,903,538) discloses an automatic disk change apparatus and disk tray for the apparatus; Yamasaki et al (U.S. Pat. 5,481,514) discloses a recording/reproducing apparatus including an auto changer for a disk-like medium.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel A Castro whose telephone number is 703-308-8435. The examiner can normally be reached on 8-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 703-305-9687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-8435 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Angel Castro, Ph.D.  
September 5, 2001

  
HOA T. NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800 9/6/01